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Letter dated 28 October 2016 from the Secretary-General addressed to the President of the Security Council

As requested by the Security Council in paragraph 33 of its resolution 2296 (2016) dated 29 June 2016, I have the honour to submit my recommendations on the practical steps to be taken by all Sudanese parties, with the support of the African Union-United Nations Hybrid Operation in Darfur, in order to make tangible progress towards achieving the benchmarks endorsed by the Security Council in its resolutions 2148 (2014), 2228 (2015) and 2296 (2016) (see annex).

My recommendations, which take into account the discussions of the joint working group meeting from 17 to 20 October 2016 and the twenty-second meeting of the Tripartite Mechanism of 20 October 2016, and contain a brief overview of the current state of implementation of each of the benchmarks, are annexed hereto, and include a way forward and a timetable for further implementation.

I would be grateful if you could bring the present letter and its annex to the attention of the members of the Security Council. I remain at their disposal should they wish to be briefed on these recommendations.

(*Signed*) **BAN** Ki-moon

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Annex

Recommendations of the Secretary-General submitted pursuant to paragraph 33 of Security Council resolution 2296 (2016) on the mandate of the African Union-United Nations Hybrid Operation in Darfur

Introduction

1. Following the adjustment of the benchmarks for the African Union-United Nations Hybrid Operation in Darfur (UNAMID) on 15 April 2014 (see S/2014/279) and their endorsement by the Security Council in its resolutions 2148 (2014), 2228 (2015) and 2296 (2016) and by the African Union Peace and Security Council on 22 June 2015 (communiqué DXVI) and on 13 June 2016 (communiqué DCV), and the request of the Council that the Secretary-General submit recommendations on the practical steps to be taken by all Sudanese parties with the support of UNAMID in order to make tangible progress towards achieving the benchmarks, the Secretariat and the African Union Commission held further discussions with the Government within the framework of the joint working group. The group was established pursuant to paragraph 7 of resolution 2173 (2014), in which the Council requested the Secretary-General to submit recommendations for an exit strategy.

2. The joint working group met in Khartoum from 17 to 20 October 2016 to assess the state of implementation of the Operation's three benchmarks, in particular focusing on the status of implementation of the recommendations made in the group's report of 23 May 2016. The strategic-level Tripartite Mechanism, composed of the Government of the Sudan, the African Union and the United Nations, oversees the group and met on 20 October in Khartoum and was informed of the group's consensus on a number of issues and its discussions regarding the modalities, timing and scope of the exit strategy. The Tripartite Mechanism then agreed that the group should resume within two weeks to allow for further consultations with a view to concluding its work on a draft outcome document.

3. Further to my recent report to the Security Council on UNAMID dated 27 September 2016 (S/2016/812), which provided a detailed update on and analysis of the conflict as well as on the political situation in Darfur up to 15 September 2016, the following contains a brief overview highlighting the main achievements towards meeting the benchmarks since 1 July, as well as recommendations for immediate practical steps within the next six months that are essential to the Operation's exit.

Benchmark 1. Inclusive peace process through mediation between the Government and non-signatory armed movements on the basis of the Doha Document for Peace in Darfur

Status of implementation

4. In West and East Darfur there are currently no active military engagements with armed groups. However, while there have been no military clashes between the Sudanese Armed Forces and the Justice and Equality Movement (JEM) or the Sudan

Liberation Army/Minni Minawi (SLA/MM) since April 2015, the armed conflict with the Sudan Liberation Army/Abdul Wahid (SLA/AW) continues in parts of the western Jebel Marra area, which straddles North, Central and South Darfur, with severe humanitarian consequences for the civilians in the area.

5. On 8 August 2016, JEM and SLA/MM signed a road map agreement, brokered by the African Union High-level Implementation Panel, following a process of sustained mediation and negotiations supported by UNAMID. To date, however, no cessation of hostilities agreement has been signed, although efforts continue to be made towards that goal. As stated in my previous report, on 14 August the cessation of hostilities talks were suspended following disagreements on the disclosure of locations of rebel forces, the role of the Doha Document for Peace in Darfur as the basis for political negotiations, the need for a new joint supervisory structure for humanitarian operations and the release of prisoners of war. The impasse on the negotiations between the Government and the Sudan People's Liberation Movement-North, which took place simultaneously, adversely affected the Darfur track. SLA/AW continues to reject any participation in direct negotiations with the Government.

6. In September, the Government of the Sudan declared the internationally supported Doha Document for Peace in Darfur "completed" and dissolved its related Darfur Regional Authority with the exception of the Darfur Land Commission; the Voluntary Return and Resettlement Commission; the Truth, Justice and Reconciliation Commission; the Darfur Security Arrangements Implementation Commission; and the Darfur Reconstruction and Development Fund. Those commissions will continue to operate under the Presidency. The Darfur Internal Dialogue and Consultation process is ongoing.

7. A year-long process concluded on 10 October with a national dialogue conference, which adopted a national document as a strategy for reform and the basis for a new constitution, although none of the Darfur movements have subscribed to it to date. The national document states that it remains open for those groups to join in the future.

Recommendations

8. The recommendations of the Secretary-General are as follows:

(a) While recognizing the efforts of the Government of the Sudan to meet its obligations under the Doha Document for Peace in Darfur, it is imperative to encourage the Government to continue to try to reach an inclusive political solution and also to urge the SLA/AW to sign the road map and the non-signatory movements to sign the national document as a matter of priority;

(b) All Sudanese parties to the conflict in Darfur should sign a cessation of hostilities agreement immediately;

(c) UNAMID and the United Nations country team will support the work of the residual Darfur Regional Authority commissions. In addition, they must accelerate the actual transfer of responsibilities from UNAMID to United Nations agencies having a comparative advantage with a view to completing that task by June 2017. Significant funding, staffing and logistical issues are impeding the speed and effectiveness of the transfer of responsibilities. UNAMID and the Secretariat

will work closely with donors and United Nations agencies to address those issues and to accelerate the transition.

Benchmark 2. Protection of civilians and unhindered humanitarian access and the safety and security of humanitarian personnel

Status of implementation

9. In the areas where active armed conflict has ceased or diminished, the number of civilians and communities directly exposed to the effects of armed conflict has declined. Civilians continue, however, to be exposed to sources of grave risk, including the widespread prevalence of weapons, criminality, intercommunal disputes and the activities of armed militias. Difficulties in policing and law enforcement remain a major challenge to addressing protection risks, even though significant efforts have been made by the Government in that area through improvements in policing, community policing, law enforcement, judicial services and the work of the Special Prosecutor for Crimes in Darfur. The Government of the Sudan announced the drawing up of a phased plan to address the proliferation of small arms in Darfur, and in three states, namely West, Central and North Darfur, some action has been taken to reduce the presence of small arms.

10. An estimated 2.6 million displaced civilians, including some 1.6 million in 60 camps, have been affected by the armed conflict across the region since its beginning, while some 300,000 others are registered as refugees in Chad. The new civilian displacements are geographically limited to the Jebel Marra area, where the armed conflict has caused the displacement of significant numbers of people since early 2016, and to a lesser extent to areas affected by intercommunal conflict. Internally displaced persons in several locations are the target of attacks from armed elements. Nonetheless, improved conditions in some areas have allowed the return of an estimated 59,000 people to their homes.

11. Human rights violations continue to be reported, including those involving women and children. The violations reported include the right to life, the right to physical integrity, sexual and gender-based violence, conflict-related sexual violence, arbitrary arrest, illegal detention and abductions. Human rights issues are increasingly being reported to local authorities, which is an indication of higher awareness of rights and growing confidence in state government institutions.

12. The humanitarian operating environment remains challenging owing to insecurity and bureaucratic hurdles, as time-consuming procedures adversely affect the ability of UNAMID and the United Nations country team to obtain permission to travel to areas where civilians are at risk. Armed criminals continue to target UNAMID and humanitarian personnel and property. With some significant exceptions in the area of Jebel Marra, where UNAMID and humanitarian actors continue to face denials of access, UNAMID patrols are functioning in many other areas of deployment, allowing the Operation to provide physical protection to many staff and civilians and to humanitarian convoys.

13. The Government has improved its record of granting visas to international staff and expediting customs clearances for UNAMID and contingent-owned equipment. On 18 October, the Ministry of Finance authorized the clearance of the

entire backlog of UNAMID and contingent-owned equipment from Port Sudan. In the meantime, the issuance of visas to UNAMID international staff from the human rights, public information and political affairs sections has remained problematic.

Recommendations

14. The recommendations of the Secretary-General are as follows:

(a) The United Nations will conduct, and the Government should facilitate, a mapping exercise of the displaced population by the end of 2016 to determine potential voluntary returns, return areas and resettlement. The mapping should be conducted in coordination with the Government, representatives of internally displaced persons and native administrations, and it should lead to the development of relevant strategies for return/resettlement, including procedures and standards;

(b) Local authorities must ensure that disarmament efforts are applied to all civilians regardless of their affiliation. Specific measures should be introduced to control or to disband the militias;

(c) The requirement for unhindered access for UNAMID and humanitarian partners to conflict-affected communities to conduct monitoring and verification missions and deliver humanitarian assistance must be ensured. In view of the positive experience to date, the monthly technical tripartite meetings should continue.

Benchmark 3. Prevention or mitigation of community conflict through mediation and, in conjunction with the United Nations country team, measures to address its root causes

Status of implementation

15. The decreasing trend of hostilities with the rebel movements is paralleled by a reduction in the number of intercommunal security incidents compared with previous years, in particular as a result of more effective involvement of the native administrations as well as the impact of security measures taken by the state governments, which have led to an increased number of peace agreements. All Darfur states have established committees to prevent, mitigate and resolve conflicts between farmers and nomadic herders. They have launched campaigns to ban civilians from carrying firearms and in many areas have established buffer zones in hot spots.

16. In support of the local authorities, UNAMID is implementing a new Operation-wide strategy to address intercommunal violence, and in that context the Operation has established internal and external coordination mechanisms at the sector level, except for West Darfur, where efforts are ongoing with the newly appointed state Wali. Specific action plans are being developed to define short-, medium- and long-term priority areas for prevention, mitigation and conflict-resolution activities in close cooperation with the United Nations country team.

17. A number of factors are influencing the lack of long-lasting solutions to the intercommunal violence, including the absence of a comprehensive peace agreement in Darfur and the continued emphasis on military actions, the widespread presence of armed militias and the lack of a coherent policy and associated legislation on equitable access to and sustainable management of land and water.

Recommendations

18. The recommendations of the Secretary-General are as follows:

(a) The Government should fully implement the Doha Document for Peace in Darfur clauses on land management, the compensation of internally displaced persons and transitional justice, with UNAMID and United Nations country team support. Specific focus should be on technical advice, in particular to the Darfur Land Commission and the Voluntary Return and Resettlement Commission. Concrete action plans to that end should be drawn up in the next three months;

(b) Building on the establishment of committees to prevent, mitigate and resolve conflicts between farmers and nomadic herders, efforts in the next months should focus on the areas most affected by the seasonal migration. In that context, UNAMID will work closely with the local authorities and the native administrations;

(c) Particular attention should be paid to programmes enhancing the skills of rural court judges, who are also local leaders, with the aim of establishing acceptable legal standards in mediation and conflict resolution.

Way forward

19. During the past three years, the situation of armed conflict in Darfur has been altered significantly by the military successes of the Government of the Sudan against the rebel movements. That has reduced the fighting between Government troops and rebels, except for Jebel Marra, where fighting does occur. The Government has also taken steps to curb intercommunal tensions and to reduce criminality, especially in the urban centres of Darfur. Despite the evolution of the conflict and the relative calm in many areas of Darfur, however, crucial grievances at its origin remain unaddressed. Long-term solutions need to be found to enable the voluntary return of 2.6 million internally displaced persons and to reduce intercommunal violence.

20. The current configuration of UNAMID focuses on protecting civilians in an armed conflict in different locations. Its mandate, as defined in the joint African Union-United Nations report of 2007 (see S/2007/307/Rev.1) was adjusted on several occasions to adapt to the changing situation in Darfur. Given the changes on the ground and the current needs of the population of Darfur, it is important to reconfigure the Operation so that it can respond adequately, and gradually hand over its operations to the Government of the Sudan and the United Nations country team in preparation for an eventual exit.

21. For that purpose, a joint African Union-United Nations strategic review should be undertaken that would provide detailed recommendations to the Security Council and the African Union Peace and Security Council on the Operation's priorities and its configuration and, if necessary, propose a further revision of the benchmarks to reflect the realities in Darfur. The strategic review should be undertaken during the month of December 2016 and be presented to the two councils by the end of January 2017. In accordance with established practice, the strategic review will be conducted in close consultation with the Government.